

App. No.: 10/714,836
Art Unit: 1751

REMARKS

Applicants have received and reviewed an Office Action dated June 28, 2006. By way of response, Applicants have amended claims 1-3, 6, 11, and 14, have canceled claims 4-5 without prejudice, and have added claims 15-24. No new matter has been added. Claims 1-3 and 6-24 are pending. Applicants request consideration of the following remarks.

Claim Amendments

Applicants have amended claim 1 to recite "the binding agent comprising: (i) an alkali metal carbonate monohydrate; (ii) an organic sequestrant comprising an aminocarboxylic acid; (iii) and water." This amendment is supported at least at page 7, lines 5-6 of the specification as filed.

Claim 2 has been amended to recite "wherein the composition further comprises an organo phosphonate". This amendment is supported at least at page 7, lines 5-6 of the specification as filed.

Claim 3 has been amended to incorporate features of original claims 2 and 4. This amendment is supported by claims 2 and 4 and filed, and the specification as filed.

Claim 6 has been amended to recite "the organic sequestrant comprises diethylenetriaminepentaacetic acid, N-hydroxyethylaminodiacetic acid, hydroxyethylenediaminetetraacetic acid, N-hydroxyethyliminodiacetic acid, nitrilotriacetic acid, ethylenediaminetetraacetic acid, sodium salt thereof, or mixtures thereof." This amendment is supported at least at page 8, lines 6-7 and lines 17-20 of the specification as filed.

New claims 15 and 19 recite N-hydroxyethyl-ethylenediaminetriacetic acid and are supported at least at page 8, lines 17-20 of the specification as filed.

New claim 16 incorporates features of original claim 1 and also recites "the composition being in the form of a cast solid." This amendment is supported by the original claim 1 and at least at page 2, line 11 of the specification as filed.

New claim 17 incorporates features of claim 3 and is supported by original claims 2 and 4, and the specification as filed.

New claim 18 incorporates features of claim 6 and is supported at least at page 8, lines 6-7 and lines 17-20 of the specification as filed.

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New claims 20-23 are supported at least by original claims 7-10, respectively, and the specification as filed.

New claim 24 recites "the composition is in the form of a high density, fused solid, concrete-like block" and is supported at least at page 20, line 19 of the specification as filed.

Applicants submit that no new matter has been added and the amended claims are in condition for allowance and notification to that effect is earnestly solicited.

Claim Objections

Claim 14 was objected to for a minor informality. Claim 14 has been amended as suggested by the Office Action. Withdrawal of this objection is respectfully requested.

Claim rejections - 35 U.S.C. § 112

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite "an alkali metal carbonate monohydrate". Accordingly, the claims fully comply with 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

35 U.S.C. 101

Claims 1-14 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-14 of prior U.S. Patent No. 6,258,765. Applicants respectfully traverse this rejection.

Claim 1 has been amended. Therefore, this rejection no longer applies and withdrawal of the rejection is requested.

Nonstatutory Obviousness-type Double Patenting

Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,653,266. Claims 1-4, 7-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-10 of U.S. Patent No. 6,150,324; claims 1, 6, 9-11 of U.S. Patent No. 6,156,715; claims 3-4 of U.S. Patent No. 6,410,495; claims 10-14 of U.S. Patent No. 6,436,893; claims 1, 10-13, 15-16, 18-21, 24, 26, 35, 40-43, 45-46, 48-51 and 54 of U.S. Patent No.

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6,660,707; claims 15-18, 20-21, 24-26, 28-35 of U.S. Patent No. 6,177,392; claims 18-22, 24-26, 29-31, 33-40 of U.S. Patent No. 6,583,094 and claims 8-22, 24, 33 of U.S. Patent No. 6,831,054. Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26, 30-33, 35, 41, 43, 46 of co-pending Application No. 10/714,355 and claims 39-57 of co-pending Application No. 11/009,315 (now U.S. 7,094,746). Applicants respectfully traverse these rejections.

These rejections have not been applied to the claims as currently amended. Should the Examiner maintain these rejections, Applications will file a terminal disclaimer, if appropriate.

Conclusion

In summary, Applicant submits that each of claims 1-3 and 6-24 is in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent.

Respectfully submitted,

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Dated: 30 Oct '06

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